

NATIONAL RECOVERY ADMINISTRATION

PROPOSED CODE OF FAIR COMPETITION
FOR THE
WATER SUPPLY INDUSTRY

AS SUBMITTED ON AUGUST 31, 1933



The Code for the Water Supply Industry
in its present form merely reflects the proposal of the above-mentioned
industry, and *none of the provisions contained therein are*
to be regarded as having received the approval of
the National Recovery Administration
as applying to this industry

UNITED STATES
GOVERNMENT PRINTING OFFICE
WASHINGTON : 1933

SUBMITTED BY

WATER SUPPLY UTILITIES, INC.
(ii)

CODE OF FAIR COMPETITION FOR THE WATER SUPPLY INDUSTRY OF THE UNITED STATES

The Institute of Water Supply Utilities, Inc., which represents public utilities providing water-supply service to more than sixty-five percent of the population served by private water supply companies in the United States, submits, in accordance with the declaration of policy contained in Title I of the National Industrial Recovery Act and the President's appeal to the Nation for agreements on broad principles by means of voluntary codes, the following provisions as a code of fair competition for all persons engaged in said industry.

SECTION I—PURPOSE

The purpose of this code is to apply generally to the water-supply industry the principles of the National Recovery Act, namely, to encourage industrial recovery, to reduce and relieve unemployment, and to improve the standards of labor.

To the end that the water-supply industry may do its part in the national economic recovery and carry out the purposes set forth, it is necessary that this code reflect some of the fundamental natural differences between this industry and production and distribution industries. These are as follows:

1. Water-supply properties are noncompetitive public utilities engaged in the continuous service of furnishing a vital necessity of life under constant and vigilant supervision and regulation by State and local authorities;

2. Such supervision and regulation affect not only rates for service but also operating expenses and conditions of service, and impose the highest possible standards as to quality and continuity of supply;

3. The adoption of this code by the water-supply industry imposes a substantial burden of increased operating expenses, and this burden cannot be passed on to the consumer, as is permitted in the case of a manufacturing or merchandising industry, except by application to the regulatory bodies where permission to increase rates would be preceded by long and expensive hearings;

4. Throughout the period of depression the industry has furnished service to thousands of customers who have been and still are unable to pay their water bills, and since water is a vital necessity of life the companies have felt obligated to carry these accounts and furnish this service without compensation.

5. Wage rates of water-supply industry labor have been reduced less than in most other industries, having been decreased an average of approximately 10 percent from peak levels of 1929-30. Employment in the industry is constant, free from seasonal fluctuation, and in a great many cases employees spend their entire working lives for the same waterworks employers.

SECTION II—DEFINITIONS

The term "water-supply industry" as used herein includes collecting, storing, purifying, pumping, transmitting, and distributing of water for domestic, commercial, industrial, and municipal purposes.

The term "employees" as used herein means all persons employed in the conduct of such operations.

The term "employers" as used herein means all persons, partnerships, associations, and corporations in the water-supply industry by whom such employees are employed.

It is understood that this definition does not include the supplying of water by municipal or other governmental agencies.

The term "effective date" as used herein means the 10th day after this code shall have been approved by the President of the United States.

SECTION III—LABOR PROVISIONS

As required by Section 7 (a) of Title I of the National Industrial Recovery Act, the following provisions are incorporated in this agreement:

(1) That employees shall have the right to organize and bargain collectively through representatives of their own choosing, and shall be free from the interference, restraint, or coercion of employers of labor, or their agents, in the designation of such representatives or in self-organization or in other concerted activities for the purpose of collective bargaining or other mutual aid or protection;

(2) That no employee and no one seeking employment shall be required as a condition of employment to join any company union or to refrain from joining, organizing, or assisting a labor organization of his own choosing; and

(3) That employers shall comply with the maximum hours of labor, minimum rates of pay, and other conditions of employment approved or prescribed by the President.

Mindful of its responsibility to the consuming public in maintaining continuous and adequate service, the Water Supply Industry, by recognizing the right of its employees to organize and bargain collectively, does not grant to them or admit that they have the right to undertake any action which would interfere with the continuity of water-supply service.

SECTION IV—CHILD LABOR

After August 31, 1933, no person under sixteen years of age shall be employed, except that persons between fourteen and sixteen years of age may be employed for not to exceed three hours a day, and those hours between 7 a.m. and 7 p.m., in such work as will not interfere with hours of day school.

SECTION V—HOURS OF LABOR

1. No employee shall be permitted to work for two or more employers for longer period of any week than specified herein for a single employer.

2. Exceptions to the standards in respect to maximum hours of labor specified herein are authorized as follows:

(a) Executive, administrative, or supervisory employees receiving \$35.00 per week or more.

(b) Janitors, watchmen, caretakers, watershed patrolmen, store-keepers, and worker pension employees, and temporary employment in case of emergency.

(c) Employees in small stations where the service does not require more than two operators on duty at any one time, which stations are not part of a waterworks plant having larger stations.

(d) Employees in plants employing not more than two persons in towns of less than 2,500 population, which towns are not part of a larger trade area.

3. Subject to the foregoing exceptions, a maximum employment in the waterworks industry shall be as follows:

(a) For all employees, except those referred to in the next subdivision hereof, not more than forty hours in any one week, except where, because of exigencies, it may be necessary to work such employees more than forty hours per week; but the weekly hours for each employee for any six-weeks period shall not exceed an average of forty hours per week.

(b) For employees connected with operation of pump stations and purification plants, inspectors, maintenance men, and on-and-off men, whose duties must be continuously performed in order to render a safe and continuous service to the public, not in excess of forty-eight hours per week. Because of exigencies it may be necessary to work such employees more than forty-eight hours per week on occasion, but the weekly hours for each employee for any 6-week period shall not exceed an average of forty-eight hours per week.

SECTION VI—MINIMUM WAGES

On and after the effective date and to and until the expiration date, minimum wages to be paid to any employee who on July 1, 1933, was paid on a weekly or monthly basis, shall be at the rate of not less than—

(a) Fifteen dollars (\$15.00) per week in any city of over 500,000 population or in the immediate trade area of such city;

(b) Fourteen dollars and fifty cents (\$14.50) per week in any city of between 250,000 and 500,000 population or in the immediate trade area of such city;

(c) Fourteen dollars (\$14.00) per week in any city of between 5,000 and 250,000 population or in the immediate trade area of such city;

(d) In towns of less than 2,500 population employers shall increase all wages by not less than 20 percent, provided that this shall not require wages in excess of \$12.00 per week.

The minimum wages herein provided may be at the rate of \$1.00 per week less in the southern section of the country. The southern section of the country is defined as including the following States: Virginia, West Virginia, North Carolina, South Carolina, Georgia, Florida, Kentucky, Maryland, District of Columbia, Tennessee, Alabama, Mississippi, Arkansas, Louisiana, Oklahoma, Texas.

On and after the effective date and to and until the expiration date, the minimum wages to be paid to any employee who on July 1, 1933, was employed on an hourly basis shall be at the rate of not less than forty cents per hour, unless the hourly rate for the same class of

work on July 15, 1929 was less than forty cents per hour, in which latter case the rate of pay shall not be less than the July 15, 1929, hourly rate of pay, and in any event, shall not be less than thirty cents per hour. The minimum wages above provided for shall not be applicable in the states in the southern section of the country above enumerated. The minimum wages in such states shall not be less than forty cents per hour, unless the prevailing hourly rate for the same class of employees on July 15, 1929, as determined by the Administrator on statistical evidence, was less than forty cents per hour, in which case the rate shall not be less than said prevailing hourly rate thus determined plus fifteen percent if said hourly rate on July 15, 1929, was less than thirty cents per hour, provided, however, that for wages per hour between twenty cents and twenty-nine cents, inclusive, on July 15, 1929, with wages of less than twenty cents per hour on that date being considered as twenty cents, the percentage of increase shall diminish one and one half percent for each cent that wages per hour exceeded twenty cents, in accordance with the following schedule:

Wages per hour, July 15, 1929 (cents)	Increase under proposed schedule (percent)	Wages per hour under proposed schedule (cents)
20	15	23
21	13½	24
22	12	24.5
23	10½	24.5
24	9	26
25	7½	27
26	6	27.5
27	4½	28
28	3	29
29	1½	29.5
30	0	30

Learners may be paid not less than eighty percent of the minimum wage rates above provided, but the total number of learners shall not exceed five percent of the total number of employees employed by any employer subject to this code.

SECTION VII—SUBSTITUTION

Sections V and VI of this Code are in substitution for paragraphs 2 and 7, inclusive, of the President's reemployment agreement.

SECTION VIII—ADMINISTRATION

The Institute of Water Supply Utilities is hereby designated the agency for administering, supervising, and promoting the performance of the provisions of this code by the members of the water supply industry. The Institute of Water Supply Utilities shall appoint a Recovery Executive Committee to exercise such functions on behalf of the Institute of Water Supply Utilities and the facilities and departments of the Institute of Water Supply Utilities shall be available to make the administration effective and efficient.

In order to keep the President of the United States and the Administrator informed as to the observance or nonobservance of this

code, each employer shall prepare and file with the statistical department of the Institute of Water Supply Utilities at such times and in such manner as may be prescribed, statistics covering the number of persons employed, wage rates, earnings, hours of work and such other data or information as the Recovery Executive Committee may from time to time require.

SECTION IX—DATA CONFIDENTIAL

Except as otherwise provided in the National Recovery Act, all statistical data filed in accordance with the provisions of Article VI shall be confidential and shall not be revealed except for the purpose of administering or enforcing the provisions of this code.

SECTION X—PARTICIPATION IN CODE

Any employer may participate in this code and in any revisions or additions thereto by signifying his intention and accepting the proper pro rata share of the cost and responsibility of creating and administering it, either by becoming a member of the Institute of Water Supply Utilities or by paying to it an amount equal to the charges from time to time provided to be paid by a member in like situation of the Institute of Water Supply Utilities.

SECTION X—PRESIDENTIAL POWER

As required by Section 10 (b) of Title I of the National Industrial Recovery Act the following provision is contained in this code:

The President may from time to time cancel or modify any order, approval, license, rule, or regulation issued under this title.

SECTION XI—RESERVATION

By presenting this code those assenting hereto are not consenting to any modifications thereof and each reserves the right to object individually or jointly to any modified code.

SECTION XII—AMENDMENTS

It is contemplated that supplementary provisions or amendments of this code applicable to the water-supply industry may from time to time be submitted on behalf of the industry for the approval of the President.

SECTION XIII—EXECUTION

This code may be executed in any number of counterparts, each of which shall be deemed to be an original.



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SECTION XIV—WHEN AND HOW LONG EFFECTIVE

The undersigned by their signatures assent to the provisions of this code, and this code shall become effective ten days after the approval hereto by the President of the United States, and shall continue in force until June 16, 1935, or at such earlier date when the emergency shall be declared to be ended pursuant to subdivision (c) of Section 2 of the National Industrial Recovery Act.

